

**REMARKS**

Applicant respectfully requests that the foregoing amendments be made prior to examination of the present application. New claim 8 is supported by the specification at page 8, line 11.

**Rejections Under 35 USC § 103**

Claims 1-7 are rejected under 35 USC 103 as being unpatentable over Johnson et al. US Patent No. 5,587,483. Applicants traverse this rejection for the following reasons.

Johnson merely discloses a pH in the range of 2-3 without a teaching or suggestion to adjust the pH range to reduce the amount of impurities of the reaction. In Comparative Example 1 of the present specification, as described at pages 17-18, where the pH of the reaction mixtures is adjusted to a pH of 2.1 after alkaline hydrolysis, the contamination of 4-methoxybenzoic acid is 0.17%. In Examples 1 and 2 of the specification, pages 14-16, it is shown that the 4-methoxybenzoic acid in the oil layer is decreased as low as 0.03% at a pH of 5-7 and 0.01% at a pH of 6-7. This means that the level of contamination was decreased by about 82% and 94% respectively ( $0.03/0.17=0.18$  and  $0.01/0.17=0.06$ ). This reduction in impurities would not have been reasonably expected by one of skill in the art, therefore Johnson is not suggestive of the present invention.

**Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

**Extension Petition and Charge Authorization**

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 22, 2008

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5490  
Facsimile: (202) 672-5399

Matthew E. Mulkeen  
Attorney for Applicant  
Registration No. 44,250